

ATTORNEY DOCKET NO. BARCODE/SCH
Serial No.: 09/618,988

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, each of the elected independent claims; specifically claims 1, 11 and 24; have been amended to include the limitations of claim 9 therein. These limitations recite that the "additional information" includes not only the additional information, but also the same information as the first information. This makes it completely patentable, and distinguishes over the cited prior art, for reasons set forth herein.

Claim 9 was rejected under 35 U.S.C. Section 103 based on Williams. The rejection alleges that it would have been obvious to one of ordinary skill in the art to place the same information into the separate bar code portion. The rejection alleges that "simply specifying what information is encoded in a label would have been well within the ordinary skill in the art". However, this contention is respectfully traversed. In fact, the ordinary expectation in the art is that if two different bar codes are provided, that the two different bar codes include different information. Why would two bar codes be provided that included the same information? This is quite simply not obvious based on the prior art. In fact, it is the present inventors recognition that using two bar codes with overlapping information may produce a significant advantage in the subject matter of the claims.

Specifically, the present system defines two different bar codes in two different formats. The second bar code includes additional information, but also duplicates the information that is in the first bar code. This system enables the user to scan either of

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the two bar codes and still obtain a complete version of the information that is encoded in the bar code. For example, if the system and teaching of Williams were used, the second bar code includes only the additional information that is supplemental to the information in the first bar code. If one has a scanner that scanned only the second bar code, one would not obtain the first information. For example, many products are formatted with UPC bar codes. You can scan these UPC bar codes to get certain information used for pricing and inventory. According to the present system, an additional bar code can also be added, for example a two-dimensional bar code as defined by claim 2. If this two-dimensional bar code is added, according to the present system, a scanner can scan only that two-dimensional bar code. That single scan will get the information that was included within the UPC, as well as the additional information. This additional information could be any kind of information which simply would not fit within the UPC. Therefore, duplicating the information produces a significant advantage: specifically, it allows one to scan only the additional bar code instead of the original bar code as well as the additional bar code. Only a single kind of scanner is required in any case. In one case, you scan the original bar code; any other case, you scan only the additional bar code. In both cases, you get the core information which is duplicated between the bar codes. Nothing in the prior art teaches or suggests this, and in fact this goes against ordinary expectation which would not duplicate the information.

The reference to Williams does not teach that the same information is duplicated in both the first and second bar code portions. In fact, Williams discusses the first bar code portion as being primary product information, and the second bar code portion as

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being "supplemental product information data", see the summary of the invention, fifth paragraph from the end. Clearly this indicates Williams intends that that there be primary and supplemental information, and not that the second bar code includes the same information as the first as well as some additional information. The contention made in rejecting claim 9 is based entirely on hindsight, and not on William's teaching. In fact, Williams teaches away from having the second bar code represent "the same information as said first information and also includes additional information", as claimed. Therefore, amended claim 1 should be allowable along with the claims which depend therefrom.

Claims 3 and 4 were rejected based on lack of disclosure. These claims have been amended to better describe their intention. The intention of these claims was that the second bar code is a type code that would be found invalid by the scanner for the first type of code. This has been clarified in the claims.

Claims 6 has been amended to recite only grayscale. The rejection alleges that the prior art teaches encoding into grayscale of a bar code. However, this is respectfully traversed. The prior art teaches adjusting the grayscale to enhance contrast when both first and second bar codes are simultaneously printed. It teaches nothing about the encoding being into the grayscale of the bar code. Therefore, claim 6 should be additionally allowable on its own merits.

Claims 7 specifies that the bar code represents personal identification information. This produces specific advantages. The statement in the rejection that bar codes could be used for personal information is understood; however nothing in the

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prior art teaches or suggests the dual bar code with duplicate information, as now claimed.

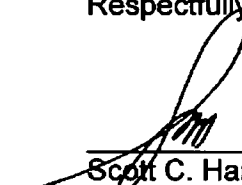
The remaining claims should be allowable for similar reasons to those discussed above.

For all of these reasons, it is respectfully suggested that all of the claims should be in condition for allowance. A formal notice of allowance is hence respectfully requested.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

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